

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Kevin Gladden, (aka Kevin R. Gladden)	)	C/A No. 3:05-1670-JFA-BM
	)	
Plaintiff,	)	
v.	)	<b>ORDER</b>
	)	
The State of South Carolina,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The *pro se* plaintiff initiated this action against the defendants pursuant to 42 U.S.C.

§ 1983. The plaintiff basically claims that he was a victim of excessive abuse, racial profiling, and personal injury while he was incarcerated at the Richland County Detention Center. It appears that the plaintiff is not currently incarcerated. The plaintiff seeks “unlimited sums of monetary gold silver and emerald’s and stock.”

In accordance with established procedures in this District, the case was referred to a Magistrate Judge for pretrial handling. In a detailed and comprehensive Report and Recommendation filed with the court on July 14, 2005, the Magistrate Judge suggests that the sole defendant in this action, the State of South Carolina, is immune from suit under 42 U.S.C. § 1983 because the Eleventh Amendment of the United States Constitution divests this court of jurisdiction to entertain a suit brought against the State of South Carolina or its integral parts, absent its consent. *See Alden v. Maine*, 527 U.S. 706 (1999); and *Federal Maritime Comm. v. SC Ports Authority, et al.*, 122 S.Ct. 1864, 2002 WL 1050457 (U.S. May 28, 2002). The State of South Carolina has not consented to suit in this court. *See* S.C. Code Ann. § 15-78-20(e) (Law. Co-op 2004).

The plaintiff was advised of the right to file objections to the Report within time limits set out in the Local Rules for this District. However, the plaintiff has not filed objections as of the date of this order.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds that the Magistrate Judge’s suggested disposition is correct. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

August 10, 2005  
Columbia, South Carolina

s/ Joseph F. Anderson, Jr.  
United States District Judge